

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	4:08CR3005
Plaintiff,)	
)	
vs.)	MEMORANDUM
)	AND ORDER
JEREMY HORTON,)	
)	
Defendant.)	

I conferred with counsel today in my chambers. The government has filed a motion to continue. The primary law enforcement officers who investigated this matter are husband and wife. The government just recently learned that one of those witnesses is scheduled to have significant exploratory surgery on January 19, 2010, and the other witness will be required to assist with recuperation. Accordingly, the government moved for a continuance of trial. Counsel for the defendant objected to the continuance but agreed that the time would be excludable if the court decided to grant the continuance. Considering defense counsel's desire to have the government's witnesses appear in person rather than by deposition,

IT IS ORDERED that:

- (1) The motion for continuance (filing 66) is granted.
- (2) Trial of this matter is rescheduled to April 5, 2010, before the undersigned United States district judge, as the number one criminal case, for four days, in Lincoln, Nebraska. Since this is a criminal case, the defendant shall be present unless excused by the court.
- (3) The time between today's date and the new trial date is excluded under the Speedy Trial Act and in the interest of justice. See 18 U.S.C. § 3161.

Dated January 14, 2010.

BY THE COURT:

Richard G. Kopf
United States District Judge